

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

RICARDO RODRIGUEZ,)	
)	
Plaintiff,)	Case No. 18 CV 7951
)	
v.)	Judge Rowland
)	
REYNALDO GUEVARA, et al.)	Magistrate Judge Cox
)	
)	
Defendants.)	JURY TRIAL DEMANDED
)	

JOINT STATUS REPORT

Pursuant to this Court's orders, ECF Nos. 107, 110, the undersigned parties provide the below update on the status of this litigation.

This is a civil rights suit which stems from a 1995 murder in Chicago for which Plaintiff was convicted and spent 22 years in prison prior to the vacatur of his conviction in 2018. Defendants deny any liability in connection with Plaintiff's allegations.

I. Status of Fact Discovery

The fact-discovery deadline was scheduled for September 30, 2020. Defendants filed a motion to stay discovery while their motion to dismiss is pending, and in the alternative to extend the fact-discovery deadline for eight months. ECF No. 111. Plaintiff plans to file a response. The Magistrate Judge will hear Defendants' motion at the status conference on October 5, 2020. ECF No. 112.

To date, the parties have not taken any depositions, but are obtaining documents via subpoenas and through discovery with one another, and are continuing to confer about their

respective written discovery responses. Written discovery has taken much longer than the parties anticipated due to a variety of factors.

Plaintiff has noticed defendants' depositions, and is optimistic that he will be able to proceed with remote third-party depositions in the near future. Defendants would like to finalize several outstanding Rule 37.2 issues pending with regard to Plaintiff's responses to written discovery and then will be ready to move forward with depositions of the parties and other witnesses if the case is not stayed and the motion to dismiss is not granted.

II. Proposed Discovery Schedule

Plaintiff believes that an additional four months is necessary for fact discovery, while Defendants believe discovery should be stayed at least temporarily to address their pending motion to dismiss and recent developments. Defendants request three weeks to evaluate whether Plaintiff's recent arrest impacts the pending motion to dismiss and, if it does, how. The parties propose the following competing discovery schedules:

	Plaintiff's Proposed	Defendants' Proposed
Fact discovery will close on	February 1, 2021	June 1, 2021
Plaintiff's expert disclosures will be due	March 1, 2021	July 1, 2021
Defendants will depose Plaintiff's experts by	April 1, 2021	August 31, 2021
Defendants' expert disclosures will be due	May 3, 2021	November 1, 2021
Plaintiff will depose Defendants' experts by	June 3, 2021	January 7, 2022
Expert discovery will close on	July 2, 2021	March 7, 2022

III. Pending Motion to Dismiss

Defendants moved to dismiss this case based on the fugitive disentitlement doctrine, asserting that Plaintiff was unwilling to participate in discovery because he faced an active arrest warrant and had not been apprehended. ECF No. 102. Plaintiff responded that he has participated

in discovery and has remained willing to sit for a deposition if Defendants would notice it. ECF No. 105. Plaintiff also responded that his status has not impacted his ability to participate in discovery. *Id.* Defendants believe that his status was the cause of the substantial delays and difficulty scheduling his deposition because Plaintiff requested to present him for his deposition at the Mexican Consulate. ECF. No. 102; *see also* ECF. No. 81.

Plaintiff was recently arrested and is now being held without bail, and has notified Defendants that he remains ready to schedule his deposition. Given that Defendants' motion to dismiss was based, in part, on their belief that Plaintiff was unwilling to sit for a deposition due to the outstanding arrest warrant, Plaintiff believes this turn of events obviates Defendants' concerns and moots their motion to dismiss. Defendants have not had an opportunity to analyze the impact of Plaintiff's arrest when allegedly returning from Mexico on their Motion to Dismiss and has requested an initially brief stay to allow them time to consider these new developments. ECF. No. 111. Though Plaintiff is incarcerated, he maintains that he will be able to participate fully in discovery with no delay.

IV. Settlement

The parties have not engaged in any settlement discussions.

Respectfully Submitted,

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Certificate of Service

I, Rachel Brady, an attorney, hereby certify that on October 1, 2020, I caused to be served through the Court's CM/ECF system to all parties of record a copy of the foregoing **Joint Status Report**.

/s/ Rachel Brady